

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NEW CINGULAR WIRELESS PCS,  
Plaintiff(s)

v.

CIVIL ACTION  
NO. 04-11807-MLW

TOWN OF WAYLAND et al  
Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

[ ] 1. \_\_\_\_\_ shall respond to the Complaint by \_\_\_\_\_.

[ ] 2. Any proposed party who has not yet been served shall be served by \_\_\_\_\_. Counsel shall within 14 days thereafter file a return of service or a statement that service has not been accomplished and that the claims against the previously named proposed party shall be dismissed without prejudice.

[ ] 3. Any Motion to Amend the pleadings, or any Motion to File additional pleadings, shall be filed by \_\_\_\_\_, and responses shall be filed as required by the applicable provisions of the Federal Rules of Civil Procedure.

[X] 4. The parties shall by FEBRUARY 15, 2005 make the automatic document disclosure required by Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

[X] 5. The parties shall by FEBRUARY 15, 2005 make the disclosure authorized by Local Rule 26.1(B)(1) and (2).

[ ] 6. All dispositive motions except motions for summary judgment shall be filed by \_\_\_\_\_ and responses shall be filed fourteen days thereafter pursuant to Local Rule 7.1.

[ ] 7. Discovery shall initially be limited to the issue(s) of EFFECTIVE PROHIBITION, and shall be complete by OCTOBER 28, 2005.

[X] 8. Counsel for the parties shall meet at least once to explore the possibility of settlement and report to the court by MARCH 1, 2005 the status and prospects for settlement.

If the case is not settled, the parties shall report whether they wish to participate in mediation to be conducted by a magistrate judge or attorney on the Court's panel of mediators.

[ ] 9. A settlement conference, which must be attended by trial counsel with full settlement authority or with their clients, shall be held on \_\_\_\_\_, at \_\_\_\_\_.

[ ] 10. A status and case management conference will be held by Magistrate Judge \_\_\_\_\_ on a date to be scheduled by him in \_\_\_\_\_.

[X] 11. Plaintiff(s) and/or Counterclaim or Third Party Plaintiff(s) shall by JUNE 30, 2005 designate experts and disclose the information described in Fed. R. Civ. P. 26(a)(2), concerning each expert. Each other party shall by AUGUST 31, 2005 designate expert(s) and disclose the information described in Fed. R. Civ. P. 26(a)(2).

[ ] 12. All discovery shall be complete by \_\_\_\_\_.

[X] 13. Counsel for the parties shall confer and, by NOVEMBER 11, 2005, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

[ ] 14. A scheduling conference will be held on NOVEMBER 17, 2005 at 4:00 PM and must be attended by trial counsel with full settlement authority or with their client(s). If appropriate, a schedule for filing motions for summary judgment will be

established at this conference.

[ ] 15. A final pretrial conference will be held on \_\_\_\_\_  
\_\_\_\_\_at\_\_\_\_\_ and must be attended by trial counsel with full  
settlement authority or with their client. Counsel shall be  
prepared to commence trial as of the date of the final pretrial  
conference.

[ ] 16. Trial shall commence on\_\_\_\_\_ .

[ ] 17. This case is hereby referred to Magistrate Judge  
\_\_\_\_\_for all pretrial proceedings, including reports and  
recommendations concerning any dispositive motions.

All provisions and deadlines contained in this Order having  
been established with the participation of the parties to this  
case, any requests for modification must be presented to the judge  
or magistrate judge, if referred for case management proceedings.  
Any requests for extension will be granted only for good cause  
shown supported by affidavits, other evidentiary materials, or  
reference to pertinent portions of the record. The request shall  
be made by motion and shall contain the reasons for the request, a  
summary of the discovery which remains to be taken, and a date  
certain when the requesting party will complete the additional  
discovery.

Counsel are encouraged to seek an early resolution of this  
matter. Additional case management conferences may be scheduled by  
the Court or upon the request of counsel.

By the Court,  
DENNIS P. O'LEARY

January 28, 2005  
Date

/s/ Dennis O'Leary  
Deputy Clerk